

PATENT

Atty Docket No.: 200312651-1

App. Ser. No.: 10/721,264

REMARKS

Favorable reconsideration of this application is respectfully requested in view of the following remarks.

Claims 1-50 are pending in the present application, of which claims 1, 20, 34, and 43 are independent.

The Official Action sets forth a rejection of claims 1-50 under 35 U.S.C. § 102(e) as allegedly being anticipated by Bash et al. (US 7,072,739), referred to hereinafter as "Bash."

Examiner Interview Conducted

The Applicants' representatives wish to thank Examiner Marc and Supervisory Examiner Black for the courtesies extended during the personal interview conducted on September 11, 2007. During the interview, the independent claims and the Bash reference were discussed. Examiner Marc and Supervisor Black agreed that Bash failed to teach or suggest the features of the independent claims, including the claimed access point. Therefore, Examiner Marc agreed to withdraw the finality of the previous rejection and re-examine the claims in light of a further search and consideration of any additional prior art.

Claim Rejection Under 35 U.S.C. §102

The test for determining if a reference anticipates a claim, for purposes of a rejection under 35 U.S.C. § 102, is whether the reference discloses all the elements of the claimed combination, or the mechanical equivalents thereof functioning in substantially the same way to produce substantially the same results. As noted by the Court of Appeals for the Federal Circuit in *Lindemann Maschinenfabrick GmbH v. American Hoist and Derrick Co.*, 221

PATENT

Atty Docket No.: 200312651-1

App. Ser. No.: 10/721,264

USPQ 481, 485 (Fed. Cir. 1984), in evaluating the sufficiency of an anticipation rejection under 35 U.S.C. § 102, the Court stated:

Anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim.

Therefore, if the cited reference does not disclose each and every element of the claimed invention, then the cited reference fails to anticipate the claimed invention and, thus, the claimed invention is distinguishable over the cited reference.

Claims 1-50 have been rejected under 35 U.S.C. §102(e) as allegedly being anticipated by the disclosure contained in Bash. For at least the following reasons, it is respectfully submitted that this rejection is clearly improper and should be withdrawn.

As discussed during the personal interview, Bash fails to teach the claimed "access points." Therefore, Bash fails to teach at least the following features of the independent claims.

Independent claims 1 and 43, as originally filed, recite, *inter alia*:

communicating the detected at least one condition from the sensors to associated access points...

maneuvering the robotic device to a location in a vicinity of one or more of the selected access points...

communicating the detected at least one condition from one or more of the selected access points to the robotic device...and

communicating the detected at least one condition from the robotic device to the base station.

Independent claim 20, as originally filed, recites, *inter alia*:

a plurality of sensors...

a plurality of access points associated with one or more of the sensors...being configured to receive the detected at least one condition from the associated one or more sensors;

a robotic device configured to traverse the room and to receive the detected at least one condition from the plurality of access points...and

PATENT

Atty Docket No.: 200312651-1

App. Ser. No.: 10/721,264

a base station configured to communicate with the robotic device

Independent claim 34, as originally filed, recites, *inter alia*:

- means for detecting at least one condition;
- means for communicating the detected at least one condition to associated access points;
- means for selecting one of the access points;
- means for collecting information...
- means for communicating...from one or more of the selected access points to the means for collecting information...

The final rejection states that "element 304" of FIG. 3 of Bash was being interpreted as the claimed access points. However, as discussed and agreed upon during the personal interview, the device controller 304 of the Bash reference is actually a controller inside of the robotic device 302 of Bash. Therefore, the device controller 304 is not equivalent to the claimed "access points." Moreover, even if this interpretation of Bash is made, for the sake of argument, then the Bash reference could not teach the features recited above, because the robotic device 302 of Bash could not "maneuver" in relation to the device controller 304, as they are integrated components.

In addition, as seen from the above cited passages, independent claims 1, 20, 34, and 43 each recites "access points" that either receive or are configured to receive detected condition information from a plurality of sensors. Each of independent claims 1, 20, 34, and 43 also recites that the detected condition information received by the access points is communicated to a robotic device (means for collecting information). Therefore, the robotic device (means for collecting information) either receives or is configured to receive the detected condition information from the access points and not from the sensors themselves. In one regard, the robotic device may thus receive the condition information detected by a

PATENT

Atty Docket No.: 200312651-1
App. Ser. No.: 10/721,264

plurality of sensors from a relatively fewer number of access points, which generally reduces the amount of time the robotic device is required to spend in retrieving the detected condition information.

The claimed access points are depicted in the figures as reference numerals 120 and 206. In addition, the access points are defined on page 10, lines 21-24 as "gateways for information obtained by a plurality of sensors (not shown) to be compiled and for the compiled information to be conveyed to a robotic device 122. In this regard, the access points 120 may comprise computers, servers, or other devices capable of performing these functions."

For at least the following reasons, Bash fails to at least teach or suggest the features recited above. More particularly, Bash fails to disclose the claimed "access points" and therefore the claimed steps of communicating detected condition information from a plurality of sensors to associated access points and of communicating the detected condition information from the access points to the robotic device.

Generally speaking, Bash is drawn to a data center robotic device. In this regard, Bash discloses a robotic device 146 that traverses a data center 100 having a plurality of sensors ("136-144" of FIG. 1), and obtains detected condition information from the sensors 134-144. As the Official Action points out, the detected condition information from the sensors 134-144 is transmitted from the robotic device 146 and then to a user (column 8, lines 35-40). Thus, the flow of information in Bash begins at the sensors 134-144, moves directly to the robotic device 146, and then finally to the user. Accordingly, Bash fails to teach or suggest the use of "access points," as recited in independent claims 1, 20, 34, and 43.

PATENT

Atty Docket No.: 200312651-1
App. Ser. No.: 10/721,264

In rejecting claims 1, 20, 34, and 43, the Official Action appears to allege that the "various points," described in column 18, lines 16-26, of Bash equate to the claimed "access points". A close inspection of the discussion contained in column 18, lines 16-26 clearly reveals, however, that Bash fails to disclose an access point that either receives or is configured to receive detected condition information from a plurality of sensors. Instead, Bash discloses that the detected condition information is communicated directly from the sensors to the robotic device.

As column 18, lines 16-26 of Bash explains, "the robotic device (of Bash) travels along the plotted route." The robotic device of Bash may stop at various points along this route to read information from the sensors. Alternatively, the robotic device of Bash may include a sensor, which may directly obtain sensor information.

Therefore, the "various points" disclosed in Bash are merely geographic landmarks where the robotic device may stop to obtain sensor information. In contrast to the "various points" of Bash, the access points of claims 1, 20, 34, and 43 are described by way of example on page 10, lines 21-25 of the originally filed specification. The examples described in page 10 state that the access points may generally comprise gateways for information obtained by a plurality of sensors to be compiled. Thus, as page 10, lines 21-25 states, the access points may include computers, servers, etc.

As such, the claimed access points are completely different from the "various points" described in Bash. The claimed access points are devices where information from sensors is received and then communicated to a robotic device. However, the "various points" of Bash are merely physical locations where a robotic device stops to obtain detected condition information from a sensor. Clearly, therefore, Bash fails to disclose "access points" and the

PATENT

Atty Docket No.: 200312651-1

App. Ser. No.: 10/721,264

communication of information from sensors to the access points and from the access points to the robotic device.

Moreover, even assuming, *arguendo*, that the "various points" of Bash could somehow be construed as being equivalent to the claimed access points, even though they are not even remotely similar, Bash still fails to teach or suggest the other claimed features discussed above. For instance, the claims recite the movement of information from four different points: the sensors, the access points, the robotic device, and to the base station. In contrast, Bash discloses the movement of data through three different points: the sensors, the robotic device, and to the user or a base station. Bash also fails to disclose any other features which could reasonably be considered analogous to a fourth device for communicating information, such as the claimed access points.

The Applicants respectfully submit that the only similarity between the claimed access points and the "various points" of Bash is that both utilize the word "points" in their description. This, however, is not a proper basis for rejection a features of a claim. As set forth above, the claimed access points are configured to receive and communicate information, while the "various points" of Bash are simply locations where a robotic device stops along a pre-designated path. Therefore, even though both features use the term "points," the claimed "access points" and the "various points" of Bash cited to in the Official Action have no similarity or relation.

For at least the foregoing reasons, it is respectfully submitted that Bash fails to disclose each and every element claimed in independent claims 1, 20, 34, and 43 and therefore cannot anticipate these claims. The Examiner is therefore respectfully requested to

PATENT

Atty Docket No.: 200312651-1

App. Ser. No.: 10/721,264

withdraw this rejection and to allow claims 1, 20, 34, and 43 and the claims that depend therefrom.

The depending claims are also allowable over Bash for reasons in addition to their respective dependencies upon allowable independent claims. For instance, Bash fails to disclose that the room is divided into zones containing sensors and that the access points are associated with the sensors of the particular zones as claimed in claim 2 of the present invention. The assertion in the Official Action that the zones comprise sensors of a rack is improper because that assertion fails to address the association of the sensors in a particular zone with a particular access point.

Conclusion

In light of the foregoing, withdrawal of the rejections of record and allowance of this application are earnestly solicited.

Should the Examiner believe that a telephone conference with the undersigned would assist in resolving any issues pertaining to the allowability of the above-identified application, please contact the undersigned at the telephone number listed below.

PATENT

Atty Docket No.: 200312651-1

App. Ser. No.: 10/721,264

Please grant any required extensions of time and charge any fees due in connection with this request to deposit account no. 08-2025.

Respectfully submitted,

Dated: September 17, 2007

By



Timothy B. Kang

Registration No.: 46,423

MANNAVA & KANG, P.C.

8221 Old Courthouse Road

Suite 104

Vienna, VA 22182

(703) 652-3817

(703) 865-5150 (facsimile)